

REMARKS

A Notice of Allowance has been issued and received in this patent application in which the allowed claims include both method and non-method claims. To obtain a separate patent for the allowed method claims and one or more other patents for the allowed non-method claims, Applicants hereby cancel all allowed non-method claims 6 and 13-19, so that only allowed method claims 1-5, 11 and 12 are left for issuance in one separate patent.

Applicants are not conceding in this patent application that said cancelled claims are not patentable over the art cited by the Examiner, since the claim cancellations are only for the purpose of obtaining separate patents for the allowed method claims and non-method claims.

Applicants respectfully reserve the rights to pursue said cancelled claims, and other claims, in one or more continuation/divisional patent applications.

It should be noted that the Examiner has the discretion under MPEP to enter this 312 amendment. More specifically, MPEP 714.16 clearly states in part:

“After the Notice of Allowance has been mailed, the application is technically no longer under the jurisdiction of the primary examiner. He or she can, however, make examiner's amendments (see MPEP § 1302.04) and has authority to enter amendments submitted after Notice of Allowance of an application which embody merely the correction of formal matters in the specification or drawing, or formal matters in a claim without changing the scope thereof, or the cancellation of claims from the application, without forwarding to the supervisory patent examiner for approval.” (underline emphasis added).

Applicants would greatly appreciate if the Examiner enters this 312 amendment and issues a Supplemental Notice of Allowance in a timely manner so that Applicants can file one or more continuation/divisional patent applications to pursue said cancelled claims and other claims.

CONCLUSION

If the Examiner has any questions, Applicants invite the Examiner to contact the Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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